



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

MAY 3 2005

Mr. Dennis Ashworth  
Office of Environmental Management  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, DC 20585

Ref. No. 05-0074

Dear Mr. Ashworth:

This responds to your letter regarding specification packaging marking requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you state that you purchase "off-the-shelf" packagings that are tested to various Type A and UN standard performance requirements for Class 7 (radioactive material). You express concern that the fabricators of the packagings cannot ensure conformance to the additional design requirements in §§ 173.412 and 178.350 for Specification 7A, Type A packagings because they do not know the specific material that will be contained in each packaging. You ask which persons may certify packagings if they have not been tested in the configuration to be shipped and whether the manufacturer's name and address or symbol must be placed in a specific sequence on Specification 7A, Type A packagings.

If a packaging has not been tested in the configuration to which it will be used to transport a hazardous material, testing is required prior to shipment and may be performed by either the manufacturer or the user. If the user performs the required testing, the user must mark the packaging to indicate that it conforms to all applicable specification requirements. The user must have a copy of all documentation required to support the packaging's compliance with the marked specification. The mark represents the person who certifies, by marking the name and address or symbol, that the packaging is in full compliance with all applicable requirements in Parts 173 and 178 for the marked specification.

With respect to the correct sequence of the manufacturer's name and address or symbol on the packaging, the HMR (§ 173.2) do not specify a requirement for the sequence on a



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§ 173.412 (j)(2)  
§ 178.350

Specification 7A, Type A packaging. A UN performance standard packaging, however, must be marked with the manufacturer's name and address or symbol following the country of manufacture, as specified in § 178.503(a) and (a)(8).

I hope this information is helpful. If you need additional assistance, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, reading "Hattie L. Mitchell". The signature is written in a cursive style with a large, prominent "H" and "M".

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



**Department of Energy**  
Washington, DC 20585

March 7, 2005

*McIntyre*  
*§ 173.412(j)(2)*  
*§ 178.350*  
*Marking of packaging*  
*05-0074*

Edward T. Mazzullo, DHM-10  
Director, Office of Hazardous Materials Standards  
Pipeline and Hazardous Material Safety Administrator  
U.S. Department of Transportation  
400 7<sup>th</sup> Street, SW  
Washington, DC 20590-001  
Attention: DHM-10

Dear Mr. Mazzullo:

This letter is a request for clarification of the Department of Transportation (DOT) requirement of Title 49, Part 178.350 (c) concerning the "person" as it applies to the manufacturer of a Specification 7A, Type A packaging with regard to the marking of necessary information (name and address or registered symbol) on the outside of a Type A package.

*173.412*  
Within the Department of Energy complex, various types of Type A packagings are utilized. Many of those Type A packagings are off-the-shelf packagings for which fabricators have physically tested their packagings to both the Type A performance requirements for radioactive material packagings stipulated in 49 CFR 178.465 and the UN performance requirements for hazardous materials stipulated in 49 CFR 178.600. Though fabricators can certify their packagings do not leak after performing the required tests based on simulated contents, the fabricators cannot ensure conformance to the additional design requirement of 49 CFR 173.412(j)(2) concerning the prevention of a significant increase in radiation levels after testing. This is primarily due to the fact that the fabricators do not have any knowledge of the radioactive contents that may be loaded into their packagings. Consequently, fabricators cannot certify that their packagings are in full compliance with all of the additional design requirements of 49 CFR 173.412 or all the requirements for Type A packagings cited in 49 CFR 178.350(a).

Question 1:

Is the manufacturer or fabricator of a Type A packaging able to only certify partial compliance?

Or

Can only the "person" that ensures full compliance of all Type A packaging requirements including 49 CFR 173.412(j)(2) apply the appropriate Specification 7A markings on outside of the package?



In addition, we would like a clarification as to the specific location of the manufacturer's name and address or registered symbol marking on the outside of a Type A package.

Question 2:

Is it the intent of DOT to be consistent with the UN marking requirement whereby the manufacturer's name and address or registered symbol immediately follows the appropriate sequence of markings?

Thus, for a Type A package, the manufacturer's name and address or registered symbol would immediately follow "USA DOT 7A TYPE A"?

Your clarification of these issues would be greatly appreciated by the Department.

If you need additional information, please contact me at (202) 586-8548 or Mr. Ashok Kapoor of my staff at (505) 845-4574, (e-mail: [akapoor@doeal.gov](mailto:akapoor@doeal.gov)).

Sincerely,



Dennis Ashworth  
Director  
Office of Transportation  
Office of Environmental Management

cc:

F. Marcinowski, EM-10  
R. Liddle, OTS, SC/NNSA  
Ashok Kapoor, SC/NNSA